

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL FIGUEROA,

Plaintiff,

-against-

NOTICE OF MOTION

07 Civ. 11333 (LAP)

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF CORRECTION OFFICER F/N/U
SANCHEZ and NEW YORK CITY DEPARTMENT OF
CORRECTION OFFICER JANE DOE 1 and NYC
DEPARTMENT OF CORRECTION OFFICERS JOHN
DOES (1-5) and JANE DOES (2-5), CAPTAIN JANE
DOE (1-5) and CAPTAIN JOHN DOE (1-5), each
individually and in their official capacities as Correction
Officers, and PRISONER HEALTH CARE SERVICES,

Defendants.
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PLEASE TAKE NOTICE that upon the Declaration of Mark D. Zuckerman dated April 28, 2008 and the exhibits annexed thereto; the Memorandum of Law dated April 28, 2008; and upon all prior pleadings and proceedings had herein, defendant City of New York will move this Court, before the Honorable Loretta A. Preska, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's complaint against defendant City of New York with prejudice, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiff is to serve his opposition papers on the undersigned on or before May 26, 2008; and

PLEASE TAKE FURTHER NOTICE that defendant is to serve its Reply papers on or before June 10, 2008.

Dated: New York, New York
April 28, 2008

MICHAEL CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
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By: 

Mark D. Zuckerman
Senior Counsel